

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

ARTHUR JAMES TIGNER,)

Plaintiff,)

v.)

Case No. 1:14-cv-1706-MHH-TMP

**ALABAMA DEPARTMENT OF
TRANSPORTATION, et al.,**)

Defendants.)

MEMORANDUM OF OPINION

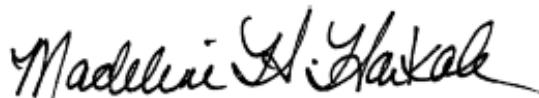
Magistrate Judge T. Michael Putnam filed a report on July 23, 2015, recommending that the Court dismiss this action without prejudice for failing to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915A(b)(1). (Doc. 16). In his July 23, 2015 report, Judge Putnam advised Ms. Tigner of his right to file specific written objections within fourteen days. (Doc. 16, p. 7). Mr. Tigner has not filed written objections.

A district court “may accept, reject, or modify, in whole or part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). The Court reviews for plain error the portions of the report or proposed findings to which no objection is made. *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993); *see also United States v. Slay*, 714 F.2d 1093, 1095 (11th Cir. 1983) (per

curiam), *cert. denied*, 464 U.S. 1050 (1984) (“The failure to object to the magistrate’s findings of fact prohibits an attack on appeal of the factual findings adopted by the district court except on grounds of plain error or manifest injustice.”) (internal citation omitted); *Macort v. Prem, Inc.*, 208 Fed. Appx. 781, 784 (11th Cir. 2006).

Applying the plain error standard, the Court **ADOPTS** the July 23, 2015 report and **ACCEPTS** Judge Putnam’s recommendation that Mr. Tigner’s claims be dismissed without prejudice because Mr. Tigner has failed to state a claim upon which relief may be granted. 28 U.S.C. § 1915A(b)(1). The Court will enter a separate order consistent with this memorandum opinion.

DONE and **ORDERED** this November 24, 2015.



MADELINE HUGHES HAIKALA
UNITED STATES DISTRICT JUDGE